

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

1

2 EDNA GARCIA COLON et al.,

3 Plaintiffs,

4

v.

CIVIL NO. 98-1478 (RLA)

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CLERK OF THE
U.S. DISTRICT COURT
SAN JUAN, P.R.

5 KMART CORPORATION et al.,

6 Defendants.

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10 **ORDER SETTING DISCOVERY DEADLINES AND SCHEDULING**
PRETRIAL/SETTLEMENT CONFERENCE AND TRIAL

11 The Joint Discovery Timetable submitted by the parties on
12
13 October 6, 1999 is hereby APPROVED, subject to the modifications set
14 forth below.¹

15

WRITTEN DISCOVERY

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17 All WRITTEN DISCOVERY, i.e., interrogatories, requests for
18 production of documents, requests for admissions, etc. shall be
19 propounded **no later than December 10, 1999**.

20

AMENDMENT TO THE PLEADINGS

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No further amendments to the pleadings shall be permitted.

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25 ¹ See Informative Motion filed the parties on October 6, 1999.
26 The Clerk of the Court shall file this informative motion as a motion
submitting discovery deadlines and assign a docket number thereto as
appropriate.

DR

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1 DEPOSITIONS OF FACT WITNESSES
23 All DEPOSITIONS OF FACT WITNESSES, including the parties, shall
4 be concluded **no later than December 10, 1999.**5 EXPERT WITNESSES
67 The REPORT(s) of all expert witnesses plaintiffs and defendants
8 intend to utilize at trial shall be provided to opposing counsel **no**
9 **later than December 14, 1999.**10 The DEPOSITION(S) of plaintiffs' and defendants' expert
11 witness(es) shall be taken **no later than January 14, 2000.**12 The parties are admonished that **all** written expert reports shall
13 include:14 " [A] **complete statement** of all opinions to be
15 expressed and the basis and **reasons therefor**; the
16 data or other information considered by the
17 witness in forming the opinions; any **exhibits** to
18 be used as a summary of or support for the
19 opinions; the **qualifications** of the witness,
20 including a list of all **publications** authored by
21 the witness within the preceding ten years; the
22 **compensation** to be paid for the study and
23 testimony; and a **listing of any other cases** in
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1 which the witness has testified as an expert at
2 trial or by deposition within the preceding four
3 years." Rule 26(a)(2)(B) Fed. R. Civ. P.
4
5 (emphasis ours).

DISPOSITIVE MOTIONS

The deadline for submitting dispositive motions, if any, to opposing counsel in accordance with the procedure set forth in the STANDING ORDER - PROCEDURE FOR FILING DISPOSITIVE MOTIONS IN CIVIL TRIALS ASSIGNED TO JUDGE RAYMOND L. ACOSTA, issued on May 19, 1998, is January 31, 2000.

FAILURE TO COMPLY

Counsel are admonished that the failure to comply with the terms of this Order may result in the imposition of sanctions upon the party and/or counsel personally, including but not limited to the payment of reasonable expenses and/or the striking of claims, defenses or witnesses.

PRETRIAL AND TRIAL SETTINGS

A JURY TRIAL in these proceedings shall commence on **March 16, 2000, at 9:30 a.m.**

A PRETRIAL/SETTLEMENT CONFERENCE is hereby scheduled for **March 9, 2000, at 3:30 p.m.** Counsel for the parties shall appear prepared

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1 to discuss settlement negotiations in earnest with the necessary
2 authority from their respective clients.
3

4 **PRETRIAL ORDER**

5 A PROPOSED JOINT PRETRIAL ORDER shall be filed on or before
6 **March 2, 2000.**² Once approved by the Court, the Proposed Joint
7 Pretrial Order may be modified only upon a showing of good cause.
8

9 The PROPOSED JOINT PRETRIAL ORDER shall set forth the following:

10 **I. Nature of the Case**

11 A statement of the nature of the case agreed upon by
12 all parties. In the event that the parties cannot agree upon a
13 single description, separate versions shall be submitted.
14

15 **II. Theories of the Parties**

16 Each party shall present concisely its pertinent
17 legal theories including applicable citations to statutes and
18 caselaw. Counsel are directed to fully disclose all trial
19 issues since the Proposed Joint Pretrial Order will supersede
20 the pleadings in establishing the issues to be heard and
21 considered at trial.
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26 ² A courtesy copy shall be delivered directly to the chambers
of the undersigned.

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1 **III. Admitted Facts**2 The parties shall provide a comprehensive listing of
3 all admitted or stipulated facts.
45 **IV. Contested Facts**6 The parties shall provide a listing of contested
7 facts.
89 **V. List of Exhibits**10 This section shall contain a listing of all exhibits
11 which have been pre-marked/numbered. Each exhibit shall be
12 identified by a descriptive title as well as its identification
13 number. The parties shall indicate which exhibits, if any, are
14 not objected to by opposing counsel. An additional copy of all
15 documents intended to be used at trial shall also be furnished
16 to the undersigned in accordance with the STANDING ORDER FOR
17
18 CIVIL TRIALS issued by the undersigned on **February 10, 1994**.19 **VI. Depositions**20 The party wishing to use deposition testimony at
21 trial shall list the depositions. Additionally, designations
22 and objections shall be submitted in accordance with the
23 undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February**
24
25 **10, 1994.**
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1 **VII. Witnesses**2 Each party shall identify witnesses to be presented
3
4 at trial and include a brief, one paragraph, offer of proof.5 **VIII. Expert Witnesses**6 When applicable, each party shall list its expert
7 witness and include his/her curriculum vitae and an offer of
8 proof. If an expert report has been produced, THE REPORT SHALL
9
10 BE SUBMITTED IN CONJUNCTION WITH THE OFFER OF PROOF.11 **IX. Itemized Statement of Special Damages**12 In the event that the issue of special damages may
13 arise, an itemized statement of special damages shall be incorporated
14 into the Proposed Joint Pretrial Order. The party or parties not in
15 agreement with the proposed statement shall include its/their
16 opposition in this section.17 **X. Estimated Length of Trial**

18 Parties shall indicate the estimated length of trial.

19 Counsel are hereby admonished that the failure to comply with
20
21 any of the terms of this Order may result in the imposition of
22 sanctions upon them personally and/or dismissal of the action, as the
23 Court deems appropriate.

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STANDING ORDER

The parties shall also file a TRIAL BRIEF³ no later than **March 13, 2000**, in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**. The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 15 day of October, 1999.

is 15th

RAYMOND L. ACOSTA
United States District Judge

³ Courtesy copy shall be delivered directly to the chambers of the undersigned.

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SUMMARY OF DISCOVERY DEADLINES

12/10/99	Deadline for parties to propound written discovery
12/10/99	Deadline for fact witnesses depositions
12/14/99	Deadline for expert witness report(s)
1/14/00	Deadline for deposition(s) of expert witness(es)
1/31/00	Deadline for serving dispositive motions, if any, in accordance with Standing Order
3/2/00	Deadline for filing of Joint Pretrial Order
3/9/00	PRETRIAL/SETTLEMENT CONFERENCE at 3:30 p.m.
*****	Parties to meet with Deputy Clerk to mark evidence
3/13/00	Deadline for filing of Trial Briefs
3/16/00	JURY TRIAL at 9:30 a.m.